



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q63719

Takayuki KOGANEYA

Appln. No.: 09/817,048

Group Art Unit: 3676

Confirmation No.: 9193

Examiner: Suzanne Lale Dino BARRETT

Filed: March 27, 2001

For: PRODUCT ORDERING SYSTEM AND PRODUCT ORDERING METHOD

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the January 28, 2005 Notification of Non-Compliant Appeal Brief, submitted herewith please find an Appeal Brief. A fee of is not thought necessary.

However, should a fee be required, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 3, 2005



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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the January 28, 2005 Notification of Non-Compliant Appeal Brief,

Applicants are herein submitting a complete new brief in compliance with the provisions of 37

C.F.R. § 41.37.

I. REAL PARTY IN INTEREST

The real party in interest is NEC CORPORATION by virtue of an assignment executed by Takayuki Koganeya (hereinafter "Appellants") on March 22, 2001 and recorded in the U.S. Patent and Trademark Office on March 27, 2001 at Reel 011666, Frame 0266.

II. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other prior or pending appeals, interferences, or judicial proceedings known to Appellant, Appellant's representatives or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1, 3, 4, 6, 7, and 9-13 are pending (*see* Claims Appendix). Claims 1, 3, 4, 6, 7, and 9-13 stand rejected and are the basis for this appeal. Claims 2, 5, and 8 have been canceled.

IV. STATUS OF AMENDMENTS

A July 16, 2004 Amendment was filed after the final rejection of the claims in the April 16, 2004 Office Action. This amendment has been entered.¹

¹ See the August 17, 2004 Advisory Action

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention is a product ordering system. Claims 1, 4, 7, 12, and 13 are the independent claims and their features are described herein. Claim 1, *inter alia*, recites a network, a salesclerk terminal, a shop ordering system, and an order reception system. Referring to Fig. 1 of the present application, in one embodiment of the invention, the salesclerk terminal is shown as item 10, the order reception terminal is shown as item 20, the shop server is shown as item 30, and the network is shown as item 100. The network 100 may connect the terminals to, for example, the Internet (present specification, page 5, lines 15-19).

The salesclerk terminal 10 is operable to access product information provided by the order reception terminal 20 on the network 100 and display the product information on its screen. The salesclerk terminal 10 may also transmit order information, which is the product information of a product that is desired to be ordered by the salesclerk, to the order reception terminal 20 via the network 100 according to an order from a customer (present specification, page 5, line 21- page 6, line 6).

The order reception terminal 20 is used by a company that is an order destination of the product. The order reception terminal in one embodiment may include a receiving element for receiving the order information sent from salesclerk; a generating element for generating the order identification information to add it to the order information; and a registration element for registering the order information and order identification information (present specification, page 6, lines 9-16). The registration elements utilize the registration addresses recited in claim 1.

The order reception terminal 20 may also include a transmission element for transmitting the order information and the order identification information to the salesclerk terminal 10 and the shop server 30 via the network 100 (present specification, page 6, lines 17-20).

The shop server 30 is used by a shop having the desired product, and includes an element for receiving and registering the order information and the order identification information sent from the order reception terminal 20. The shop server 30 further includes an element for transmitting the order registration processing result to the salesclerk terminal 10 or the order reception terminal 20 via the network 100 (present specification, page 7, lines 10-18).

Claims 7 and 12 recite devices that may be embodied by the aforementioned structural features, while claims 4 and 13 recite methods of the invention. These claims also recite the feature of a (registration) address, such as the URL of the shop server 30, being transmitted at the same time when the salesclerk transmits the order information of the product to the order reception terminal 20 by the use of the salesclerk terminal 10. Therefore, the transmission element of the salesclerk terminal 10 transmits the registration address for registering the order information to the shop server 30 to the order reception terminal 20 in addition to the order information (see present specification, page 9, line 24-page 10, line 13, for example). As such, an order can be registered, for example, simultaneously to two ordering systems by one operation of the salesclerk (present specification, page 2, lines 9-12).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 7, 9, 12, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Roach et al. (U.S. Patent No. 5,434,394). Claims 1, 3, 4, 6, 7, and 9-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roach et al. in view of Morisawa, "Proposal for a processing model for a distributed processing system", 17 May 1996, Vol. 96 No. 41, pages 17-24.

VII. ARGUMENTS

I. Rejection of Claims 7, 9, 12, and 13 under 35 U.S.C. § 102(b) as being anticipated by Roach et al. (U.S. Patent No. 5,434,394).

In the disclosure of Roach et al., located throughout the store 200, computers 18 function to process orders for merchandise from customers. The computer 18 scans the customer's member card 66, then scans the product code label 68 associated with a particular piece of merchandise. A transaction record of the sale is created and forwarded to the controller 12. Selection and delivery scheduling options are provided to the customer by the computer 18. The computer 18 is capable of retrieving credit balance information for the customer. The transaction record created for the sale is forwarded from the controller 12 to the main store processor 14, for immediate use by the DCS Warehouse retrieval system (see column 5, line 61- column 6, line 6). In Roach et al., however, the transaction record from the controller 12 is not forwarded to other than the main store processor 14 of the DCS Warehouse. That is, Roach et al. is silent about transmitting, in addition to the order information, a registration address, which is used to register the order information to the shop ordering system, to the order reception system (recited in claims 12 and 13). Roach et al. is also silent about transmitting a registration result address (recited in claims 7 and 9), through which the order reception system receives an order registration processing result, to the shop ordering system in addition to the order identification information and the order information. These specific claimed features are also not addressed in the April 16, 2004 Final Office Action, or the August 17, 2004 Advisory Action.

Unlike Roach et al., in the present invention, these claimed features make it possible to register the order information to the shop ordering system which is not predetermined but flexibly determined based on the registration address transmitted from the transmission element of the salesclerk terminal.

II. Rejection of claims 1, 3, 4, 6, 7, and 9-13 under 35 U.S.C. § 103(a) as being unpatentable over Roach et al. in view of Morisawa.

Independent claims 1, 4, 12, and 13 recite that the transmission element of the salesclerk terminal transmits, in addition to the order information, a registration address which is used to register the order information to the shop ordering system, to the order reception system, and the transmission element of the order reception system transmits the order identification information and the order information to the shop ordering system based on the registration address. Independent claim 7 similarly recites “an address of said shop ordering system from the salesclerk by using said terminal.”

Further, as recited in claims 3, 6, and 9, the transmission element of the order reception system transmits a registration result address, through which the order reception system receives an order registration processing result, to the shop ordering system in addition to the order identification information and the order information, and the shop ordering system includes a transmission element which transmits the order registration processing result to the order reception system based on the registration result address.

Thus, according to features of the present invention, it is possible to register the order information to the shop ordering system which is not predetermined, but flexibly determined based on the registration address as mentioned above.

On the other hand, in Morisawa, two order placement systems are predetermined. The system in Morisawa *is not* configured to arbitrarily determine an order reception system or a shop ordering system. Morisawa is silent about transmitting, in addition to the order information, a registration address, which is used to register the order information to the shop ordering system, to the order reception system. Also, Morisawa is silent about transmitting a registration result address, through which the order reception system receives an order registration processing result, to the shop ordering system in addition to the order identification information and the order information.

Unlike the literature by Morisawa, in the present invention, it is possible to register the order information to the shop ordering system which is not predetermined, but flexibly determined based on the registration address transmitted from the transmission element of the salesclerk terminal. Further, according to the features of the present invention as recited in claims 3 and 6, it is possible to transmit the order registration processing result to the order reception system which is not predetermined, but flexibly determined based on the registration result address transmitted from the transmission element of the order reception system.

In Roach et al., as discussed above, there is no disclosure or suggestion of transmitting, in addition to the order information, a registration address, which is used to register the order information to the shop ordering system, to the order reception system. As noted, Roach et al. is

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also silent about transmitting a registration result address, through which the order reception system receives an order registration processing result, to the shop ordering system in addition to the order identification information and the order information.

Accordingly, neither Morisawa or Roach et al., alone nor in combination disclose or suggest features of the invention as recited in the claims, and discussed above.

No fee under 37 C.F.R. §41.37 is thought necessary since this is a response to the January 28, 2005 Notification of Non-Compliant Appeal Brief. However, should a fee be required, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CLAIMS APPENDIX

CLAIMS 1, 3, 4, 6, 7, and 9-13 ON APPEAL: (claims 2, 5, and 8 are canceled)

1. A product ordering system, comprising:
 - a network;
 - a salesclerk terminal connected to the network;
 - a shop ordering system connected to the network; and
 - an order reception system connected to the network, whereinsaid salesclerk terminal includes a transmission element which transmits order information of a product to said order reception system by an instruction of the salesclerk, said order reception system includes a generation element which generates order identification information to identify said order information in response to reception of said order information, a first registration element which registers said order identification information and said order information, and a transmission element which transmits said order identification information and said order information to said shop ordering system, and said shop ordering system includes a second registration element which registers said order identification information and said order information substantially simultaneously with the first registration in said order reception system in response to reception of said order identification information and said order information, wherein said transmission element of said salesclerk terminal transmits, in addition to said order information, a registration address, which is used to register said order information to said shop ordering system, to said order reception system, and

wherein said transmission element of said order reception system transmits said order identification information and said order information to said shop ordering system based on said registration address.

3. The product ordering system as claimed in claim 2, wherein said transmission element of said order reception system transmits a registration result address, through which said order reception system receives an order registration processing result, to said shop ordering system in addition to said order identification information and said order information, and

wherein said shop ordering system includes a transmission element which transmits the order registration processing result to said order reception system based on said registration result address.

4. A product ordering method used in a system in which a salesclerk terminal, a shop ordering system and an order reception ordering system are connected via a network, comprising:

transmitting product order information from said salesclerk terminal to said order reception system according to an instruction of the salesclerk;

generating an order identification information for identifying said order information in said order reception system;

registering said order identification information and said order information in said order reception system;

transmitting said order identification information and said order information to said shop ordering system from said order reception system; and

registering said order identification information and said order information in said shop ordering system substantially simultaneously with said registering in said order reception system in response to reception of said order identification information and said order information in said shop ordering system,

wherein said salesclerk terminal transmits a registration address, which is used to register said order information to said shop ordering system, to said order reception system in addition to said order information during said transmitting step from said salesclerk terminal to said order reception system, and

wherein said order identification information and said order information are transmitted to said shop ordering system based on said registration address during said transmitting step from said order reception system to said shop ordering system.

6. The product ordering method as claimed in claim 5, wherein said order reception system transmits a registration result address, through which said order reception system receives an order registration processing result, in addition to said order identification information and said order information during said transmitting step from said order reception system to said shop ordering system, and

further comprising: transmitting the order registration processing result to said order reception system from said shop ordering system based on said registration result address.

7. An information processing device used as an order reception system, comprising:

- a first receiving element which receives order information transmitted from a salesclerk by using a terminal;
- a first generating element which generates order identification information by using said order information;
- a registration element which registers said order information and said order identification information;
- a first transmission element which transmits said order information and said order identification information to a shop ordering system;
- a second receiving element which receives an order registration processing result, which is a result that said shop ordering system registered said order information and said order identification information in the shop ordering system; and
- a second transmission element which transmits information based on said order registration processing result and a registration result of registration by said registration element to said terminal of the salesclerk,

wherein said first receiving element receives said order information and an address of said shop ordering system from the salesclerk by using said terminal, and

wherein said first transmission element transmits said order information and said order identification information to said address.

9. The information processing device as claimed in claim 7, wherein said first transmission element transmits a registration result address, which is a destination to which said

shop ordering system transmits the order registration processing result, to said shop ordering system in addition to said order identification information and said order information.

10. The product ordering system as claimed in claim 1, wherein said order reception system further includes a second transmission element which transmits information based on registration results of registration by said first registration element and said second registration element to said salesclerk terminal.

11. The product ordering method as claimed in claim 4, further comprising:
transmitting a result of said registering in said shop ordering system from said shop ordering system to said order reception system, and
transmitting information based on results of said registering in said order reception system and said shop ordering system from said order reception system to said salesclerk terminal.

12. A product ordering system, comprising:
a network;
a salesclerk terminal connected to said network;
a shop ordering system connected to said network; and an order reception system connected to said network, wherein said salesclerk terminal includes a transmission element which transmits order information of a product to said order reception system by an instruction of the salesclerk,

said order reception system including a registration element which registers said order information in said order reception system, a first transmission element which transmits said order information to said shop ordering system, and a second transmission element which transmits information based on registration results in said order reception system and said shop ordering system to said salesclerk terminal, and

said shop ordering system includes a registration element which registers said order information in response to reception of said order information from said order reception system, and a transmission element which transmits a registration result of said order information in said shop ordering system to said order reception system,

wherein said salesclerk terminal transmits a registration address, which is used to register said order information to said shop ordering system, to said order reception system in addition to said order information during said transmitting step from said salesclerk terminal to said order reception system, and

wherein said order identification information and said order information are transmitted to said shop ordering system based on said registration address during said transmitting step from said order reception system to said shop ordering system.

13. A product ordering method used in a system in which a salesclerk terminal, a shop ordering system and an order reception system are connected via a network, comprising:

transmitting product order information from said salesclerk terminal to said order reception system according to an instruction of the salesclerk;

registering said order information in said order reception system;

transmitting said order information to said shop ordering system from said order reception system;

registering said order information in said shop ordering system in response to reception of said order information in said shop ordering system;

transmitting a result of said registering in said shop ordering system from said shop ordering system to said order reception system, and

transmitting information based on results of said registering in said order reception system and said shop ordering system from said order reception system to said salesclerk terminal,

wherein said salesclerk terminal transmits a registration address, which is used to register said order information to said shop ordering system, to said order reception system in addition to said order information during said transmitting step from said salesclerk terminal to said order reception system, and

wherein said order identification information and said order information are transmitted to said shop ordering system based on said registration address during said transmitting step from said order reception system to said shop ordering system.

EVIDENCE APPENDIX

NONE.